

REMARKS

This is a response to the Office Action mailed November 29, 2006. Claims 1-16 are pending in the application. Claims 1-17 have been rejected by the Examiner. As noted above, applicants have amended claims 1 and 14 and canceled claim 17. The amendments are fully supported by the written description.

Claim Rejections 35 U.S.C. § 102

The Examiner has rejected Claims 1, 5-7, and 14-16 under 35 U.S.C. § 102(b) as being unpatentable over Taylor et al. (U.S. Patent No. 6,214,115). Applicant respectfully disagrees.

Claim 1 recites “the pressure is applied at least during application of the coating composition to the stent.” Taylor et al. does not teach or suggest the above limitation of claim 1. Thus, claim 1 is allowable over Taylor et al. Claims 5-7 depend from claim 1 and are allowable for at least the same reasons that claim 1 is allowable. Please remove the rejections of claims 1 and 5-7.

Claim 14 recites “rotating the stent about the longitudinal axis of the stent.” Taylor et al. does not teach or suggest the above limitation of claim 14. Thus, claim 14 is allowable over Taylor et al. Claims 15-16 depend from claim 14 are allowable for at least the same reason that claim 14 is allowable. Please remove the rejections of claims 14-16.

Claim Rejections 35 U.S.C. § 103

The Examiner has rejected Claims 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Parsons et al. (U.S. Patent No. 6,521,284) in view of Villareal (US 6,605,154). Applicant respectfully disagrees.

Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. §103 via 35 U.S.C. §102(e) shall not preclude the patentability of the claimed invention under 35 U.S.C. §103 if that subject matter and the claimed invention, “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person” (see MPEP Section 706.02(I)(1)). A statement of an attorney of record can be sufficient evidence to establish common ownership (see MPEP Section 706.02(I)(2)).

The present application was filed on April 2, 2004 and is a divisional of Application No. 10/254,203 now U.S. Patent No. 6,818,063 which was filed on September 24, 2002, which is before the issue date of Villareal, August 12, 2003.

As established by the enclosed Statement of Common Ownership, at the time the invention of the current application was made, the inventions of the current application and Villareal (U.S. Patent No. 6,605,154) were owned by, or subject to an obligation of assignment to, Advanced Cardiovascular Systems, Inc., a California corporation. Since the Applicant has established common ownership, Villareal cannot be used as prior art and should be removed as a reference. Accordingly, claims 11-13 are patentably allowable. Applicant respectfully requests withdrawal of the rejections and allowance of the claims.

The Examiner has rejected Claims 2-4, 6-10, and 17 under 35 U.S.C. § 103(a) as being unpatentable over Taylor et al. in view of Villareal. Applicant respectfully disagrees.

As indicated above, Villareal cannot be used as prior art and should be removed as a reference. Accordingly, claims 2-4 and 6-10 are patentably allowable. Applicant respectfully requests withdrawal of the rejections of 2-4 and 6-10 and allowance of the claims. Claim 17 is canceled.

CONCLUSION

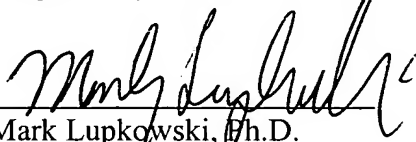
Claims 1-16 are pending in this application. Applicant respectfully submits that rejected Claims 1-16 are in condition for allowance. Applicant respectfully requests the Examiner to enter the foregoing amendments and pass the case to issue.

If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 954-0297.

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Respectfully submitted,


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